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Name of Unit

Dialogue, Denial, Decision:
Mock Trial of Fred Korematsu

Suggested Grade Level(s)

11, 12

Suggested Subject Area(s)

U.S. History, Government, Civics

Mr. Fred Korematsu

Gift of Tsuyako "Sox" Kitashima, Japanese American National Museum (98.152.1)

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Unit Map

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Number of Class Periods Required

6 class periods (block scheduling, 90 minutes per period) or 12 class periods (45 minutes per period)

Essential Question

- In time of war, how should the government balance national security and individual liberties?

Guiding Questions

Lesson 1: Fred Korematsu's Story

- Why and how were people of Japanese descent excluded and removed from the West Coast in 1942?
- Why did Fred Korematsu defy the exclusion and assembly orders?
- What are the guarantees of the Fifth and Fourteenth Amendments?

Lesson 2: Who Is an American?

- Who is an American?

Lesson 3: Mock Trial Preparation

- How do the participants in a trial work together to ensure that a case is fairly presented and decided upon?

Lesson 4: Mock Trial of Fred Korematsu

- (See essential question)

Texas Essential Knowledge and Skills (TEKS)

United States History Studies Since Reconstruction

(6) History. The student understands the impact of significant national and international decisions and conflicts from World War II and the Cold War to the present on the United States.

(A) identify reasons for U.S. involvement in World War II, including the growth of dictatorships and the attack on Pearl Harbor;

(B) analyze major issues and events of World War II such as fighting the war on multiple fronts, the internment of Japanese-Americans, the Holocaust, the battle of Midway, the invasion of Normandy, and the development of and Harry Truman's decision to use the atomic bomb.

(18) Citizenship. The student understands efforts to expand the democratic process.

(C) explain how participation in the democratic process reflects our national identity.

United States Government

(14) Citizenship. The student understands rights guaranteed by the U.S. Constitution.

(E) explain the importance of due process rights to the protection of individual rights and to the limits on the powers of government

(15) Citizenship. The student understands the difference between personal and civic responsibilities.

(C) evaluate whether and/or when the rights of individuals are inviolable even against claims for the public good;

(18) Culture. The student understands the relationship between government policies and the culture of the United States.

(C) describe an example of a government policy that has affected a particular racial, ethnic, or religious group.

Teacher Overview

This unit asks students to think critically about a time in our nation's history when, following the 1941 attack on Pearl Harbor, decisions by our President affected more than 110,000 people of Japanese descent. The first two lessons introduce students to Fred Korematsu and his story and ask them to think about who is American and what the rights and responsibilities of Americans are. Then students work together to prepare for and participate in a mock trial loosely based on Fred Korematsu's federal district case, which took place in California in 1942; this trial preceded the landmark U.S. Supreme Court case *Korematsu v. United States*, originally tried in 1944 and overturned in 1983. The students will weigh issues related to Mr. Korematsu's violation of Civilian Exclusion Order No. 34, as well as the constitutionality of the removal and confinement of the Japanese Americans during World War II.

This unit can either be taught as the class is studying World War II, in conjunction with the study of the United States Constitution, or even as a concluding activity to the school year. Prior to beginning this unit, students need to be familiar with some background content:

- The Bill of Rights, the U.S. Constitution, and the three branches of the federal government.
- The Japanese attack on Pearl Harbor and the United States' entry into World War II.
- General background on the Japanese American experience, including Executive Order 9066 and the World War II confinement of Japanese Americans. Students should also be familiar with vocabulary words such as *Issei* (*first-generation Japanese immigrants ineligible for U.S. citizenship until 1952*), *Nisei* (*second-generation American-born citizens*), and *Sansei* (*third-generation American-born citizens*).

In addition, it is highly recommended that the teacher makes the following preparations prior to starting this unit:

- Review the essays, overviews, and timelines about the Japanese American experience accompanying this unit.
- Become familiar with Fred Korematsu's story, especially through the resources recommended in the References section of Lesson 1.
- Become familiar with the mock trial process using the resources suggested in the References section of Lessons 2 and 3. If the teacher has never done a mock trial before, he/she should try it out in one or two classes and see how it works rather than assigning it to all classes.
- Gather courtroom materials needed for the mock trial (judge's robe, gavel, recording equipment, etc.)
- If possible, reserve time in the school computer lab or library for Lessons 2 and 3 and a large multipurpose room or stage on which to hold the mock trial during Lesson 4.

Ultimately, it is hoped that the mock trial will help students better understand the Japanese Americans' World War II predicament: despite all attempts to show their loyalty and patriotism to the United States, they were put into concentration camps. It is also hoped that this unit will afford the opportunity to discuss how other Americans came to their aid.

While conducting a mock trial requires a lot of preparation and can be a lot of work, it is ultimately well worth it. Good luck!

Note about the Texas Essential Knowledge and Skills (TEKS)

This unit cites the 2009 Social Studies and English Language Arts and Reading TEKS. Updates for Social Studies are expected to be available in 2010 but were not available at the time of printing.